

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

Karla Otto, Inc.,

Plaintiff,

13 Civ. 0483 (JGK)

- v.-

Rivoli Creation, S.A.S., d/b/a Lucien  
Pellat-Finet, and LPF North America,  
Inc.,

MEMORANDUM OPINION AND  
ORDER

Defendants.

---

JOHN G. KOELTL, District Judge:

This action is dismissed without prejudice because, as the parties agree, the Court lacks subject matter jurisdiction.

The application by defendant Rivoli Creation, S.A.S. for Rule 11 sanctions is denied. The defendant has failed to comply with the requirements for making a Rule 11 motion, see Fed. R. Civ. P. 11(c)(2), and the Court declines to exercise its power to impose Rule 11 sanctions. There is no basis for Rule 11 sanctions, particularly in view of the fact that the jurisdictional defect was raised by the Court sua sponte after the motion to dismiss was briefed on other bases.

The Clerk is directed to enter judgment dismissing this case without prejudice. The Clerk is also directed to close all pending motions.

SO ORDERED.

Dated: New York, New York  
December 3, 2014

---

/s/  
John G. Koeltl  
United States District Judge